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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,534	03/04/2002	Matthew J. Sherman	2685/5866	9575

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EXAMINER

SALAD, ABDULLAHI ELMU

ART UNIT PAPER NUMBER

2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/086,534

Applicant(s)

SHERMAN, MATTHEW J.

Examiner

Salad E. Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response***

1. The after final amendment filed on 8/22/2006 has been received and made of record.
2. Applicant's arguments with respect to claims 4-9 have been considered but are moot are not persuasive for the following reason.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject "said NAV register being a sole register within a station that controls duration during which the stations refrains from transmitting" was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Cervello et al., U.S. Patent Application Publication No. 2002/0071448[hereinafter Cervello] in view of Jayaraman U.S Patent No. 6,963,549[Jayaraman]

As per claims 4 Cervello a method for spoofing stations while transmitting data through a medium, in an arrangement including a first station sends a RTS message that includes a duration field, and a second station sends a CTS message that is responsive to the RTS message that also includes a duration, where the duration field defines a period of time that the medium is to be reserved to allow unimpeded transmission of data that the first station has to transmit, and where each obeying station in the arrangement that receives either the RTS message or the CTS message, updates a Network Allocation Vector (NAV) register with the duration information obtained from the received RTS message , the received CTS message when a corresponding RTS message was not received, characterized by:

said NAV register being a sole register within a station that controls duration during which the stations refrains from transmitting (see paragraphs 0014 and 0017).

Cervello is silent regarding: said first station setting a duration value for its RTS message to a value other than a time period for a predetermined subsequent message transmission.

Jayaraman discloses a technique for reserving bandwidth for communications over a wireless system wherein the duration value represents a time period for suppressing transmissions by the obeying station{that is when either the physical or the virtual carrier sense functions of a local station that needs to transmit indicate that the wireless

Art Unit: 2157

transmission medium is busy, transmission is deferred] (see col. 3, lines 27-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention presented with teaching of Cervello to incorporate the a technique for reserving bandwidth for communications over a wireless system as taught by Jayaraman in order to reduce or limit interruptions available bandwidth.

As per claims 5, Jayaraman discloses the method of claim 4, wherein transmissions of unknown protocols are given preferential use of the medium when the transmissions by the obeying station are suppressed (see fig, 3 and col. 3, line 60 to col. 4, line 21).

As per claims 6, and 9 Jayaraman discloses the method of claim 4, wherein transmissions of hidden stations are given preferential use of the medium when the transmissions by the obeying station are suppressed. (see fig, 3 and col. 3, line 60 to col. 4, line 21).

As per claims 7, Jayaraman discloses the method of claim 4, wherein critical transmissions are given preferential use of the medium when the transmissions by the obeying station are suppressed(see fig, 3 and col. 3, line 60 to col. 4, line 21).

As per claims 8, Jayaraman discloses the method of claim 4, wherein at least some of the stations are provided in an overlapping basic service set, and stations of the

Art Unit: 2157

overlapping basic service set are given preferential use of the medium when the transmissions by the obeying station(see fig, 3 and col. 3, line 60 to col. 4, line 21).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00.If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The **fax phone number** for the organization where this application or proceeding is assigned is **571-273-8300**.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi salad  
3/18/2007

  
ABDULLAHI SALAD  
PRIMARY EXAMINER